

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

F. FREDERIC FOUAD,

Plaintiff,

v.

THE MILTON HERSHEY SCHOOL AND
SCHOOL TRUST, ELLIOTT GREENLEAF,
P.C., PETER GURT, RALPH CARFAGNO,
ROBERT HEIST, VELMA REDMOND, DAVID
SALTZMAN, JAMES C. KATZMAN
JAMES W. BROWN, M. DIANE
KOKEN, JAMES M. MEAD, MELISSA L.
PEEPLS-FULLMORE, JAN LOEFFLER
BERGEN, ANDREW S. CLINE, AND JARAD
W. HANDELMAN,

Defendants.

1:19-cv-00253-JEJ

(Judge Jones)

Electronically Filed

ORDER

AND NOW, this ____ day of _____, 2019, upon consideration of Defendants Robert Heist, Velma Redmond, David Saltzman, James C. Katzman, James W. Brown, M. Diane Koken, James M. Mead, Melissa L. Peeples-Fullmore, and Jan Loeffler Bergen's Motion to Dismiss Plaintiff F. Frederic Fouad's Complaint and any responses thereto, it is HEREBY ORDERED that the Motion is GRANTED. Plaintiff's claims against Defendants Robert Heist, Velma Redmond, David Saltzman, James C. Katzman, James W. Brown, M. Diane Koken, James M.

Mead, Melissa L. Peeples-Fullmore, and Jan Loeffler Bergen are DISMISSED
WITH PREJUDICE.

Jones III, J.

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SCHOOL TRUST, ELLIOTT GREENLEAF,
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(Judge Jones)

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**Motion to Dismiss of Defendants Robert Heist, Velma Redmond, David
Saltzman, James C. Katzman, James W. Brown, M. Diane Koken, James M.
Mead, Melissa L. Peeples-Fullmore, and Jan Loeffler Bergen**

Defendants Robert Heist, Velma Redmond, David Saltzman, James C. Katzman, James W. Brown, M. Diane Koken, James M. Mead, Melissa L. Peeples-Fullmore, and Jan Loeffler Bergen (the “Board Defendants”), respectfully move the Court under Fed. R. Civ. P. 12(b)(6) to dismiss Counts One, Two, Four, and Five of the Complaint in accordance with L.R. 7.5. With the dismissal of Counts

One, Two, Four, and Five, there will be no claims pending against the Board Defendants and they should accordingly be dismissed from this action.

WHEREFORE, Defendants Robert Heist, Velma Redmond, David Saltzman, James C. Katzman, James W. Brown, M. Diane Koken, James M. Mead, Melissa L. Peeples-Fullmore, and Jan Loeffler Bergen, respectfully request this Court to:

- a. Grant this Motion;
- b. Dismiss Counts One, Two, Four, and Five of the Complaint as to the Board Defendants;
- c. Dismiss the Board Defendants from this case; and
- d. Grant such other relief in favor of Defendants as the Court deems just and equitable.

Respectfully submitted,

**SAUL EWING ARNSTEIN & LEHR
LLP**

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Katzman, James W. Brown, M. Diane
Koken, James M. Mead, Melissa L. Peeples-
Fullmore, and Jan Loeffler Bergen*

Dated: March 6, 2019

CERTIFICATE OF NON-CONCURRENCE/CONCURRENCE

I, Alexander R. Bilus, Esquire, counsel for Defendants Robert Heist, Velma Redmond, David Saltzman, James C. Katzman, James W. Brown, M. Diane Koken, James M. Mead, Melissa L. Peebles-Fullmore, and Jan Loeffler Bergen hereby certify that the parties have conferred and that Plaintiff does not concur in this Motion. All of the defendants concur in this Motion.

/s/ Alexander R. Bilus
Alexander R. Bilus

Dated: March 6, 2019

CERTIFICATE OF SERVICE

I, Alexander R. Bilus, Esquire, hereby certify that I caused the foregoing to be filed electronically with the Court, where it is available for viewing and downloading from the Court's ECF system, and that such electronic filing automatically generates a Notice of Electronic Filing constituting service of the filed document upon Plaintiff and all counsel of record.

Additionally, I caused the foregoing to be served electronically on the following by email:

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/s/ Alexander R. Bilus

Dated: March 6, 2019